

LFC Requester:	
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 1-4-17
Original **Amendment** _____ **Bill No:** HB16
Correction _____ **Substitute** _____

Sponsor: William "Bill" R. Rehm **Agency Code:** 264
Short Title: Delinquency Act Terms & Absconders **Person Writing:** Gail MacQuesten
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	minimal	minimal	minimal	minimal	recurring	general

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB16 amends NMSA 1978, Section 32A-2-26 of the Delinquency Act, updating terminology and changing provisions relating to children who abscond from supervised release.

The terms “parole” and “parole board” are replaced with “supervised release” and “public safety advisory board,” respectively.

The following changes related to children who abscond from supervised release:

1. Issuance of warrant for child found in other state. To return an absconded child from another state, the district court (instead of the department) issues a warrant. The juvenile justice division of the department may (instead of “shall”) cause the return of the child to this state at the expense of the department.
2. Tolling of supervised release period. The issuance of a warrant upon an allegation that the child has absconded from supervised release shall toll the supervised release period. If, after a hearing upon return, the court finds that the child absconded from supervised release, the time from violation to arrest shall not be counted as time served on supervised release.
3. Petition for extension of commitment. The children’s court attorney may file a petition alleging that a child has willfully absconded. Extension of the child’s commitment shall follow the procedures set out in NMSA 1978, Section 32A-2-23. The court may extend the commitment not to exceed six months on a short-term commitment, not to exceed one year on a long-term commitment or until the child reaches the age of twenty-one.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

HB16 establishes three new procedures that will require additional work by the children, youth and families department, the children’s court attorney, defense counsel, and courts: a warrant must be obtained from the district court to return a child from another state; the tolling procedure requires a hearing; and to extend commitment, the children’s court attorney must file a petition and the issue will be litigated in court. To the extent HB16 results in longer commitments (because of tolling or as a result of a successful petition for extension) the children, youth and families department will have additional expenses.

SIGNIFICANT ISSUES

Supervised release helps protect the public and helps the juvenile transition back to the community. Current statutes do not provide remedies when a child absconds from supervised release. Once the child's term expires, he or she is discharged. HB16 provides a procedure for tolling the term from the time the violation to arrest. And the children's court attorney may seek to extend the commitment period if "it is necessary to safeguard the welfare of the child or the public's safety."

PERFORMANCE IMPLICATIONS

As discussed above, HB16 provides consequences for absconding from supervised release.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None found.

TECHNICAL ISSUES

HB16 provides for the issuance of a warrant (by the department, or by the court) for the return of a child who has absconded. There is no provision in HB16 for quashing a warrant once it is issued. Once the child reaches the age of 21 the children's court loses jurisdiction.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There will be no consequences for a child who absconds from supervised release.

AMENDMENTS

None proposed.